

land, of quantities of tomato catsup which was adulterated. The canned tomatoes were labeled in part: "Tomatoes," together with a design showing ripe tomatoes. A portion of the said tomatoes were further labeled: "Dee Bee Brand * * * Packed By Davis Canning Co. Laurel, Del." The remaining articles were labeled in part: "Tomato Puree" (or "Tomato Catsup") "Packed By The Davis Canning Co. Laurel, Del."

Adulteration of the canned tomatoes was alleged in the information for the reason that added water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article. Adulteration of the tomato puree and the tomato catsup was alleged in the information for the reason that the said articles consisted in part of filthy and decomposed and putrid vegetable substances.

Misbranding of the canned tomatoes was alleged for the reason that the statements, "Quality First Tomatoes" or "Tomatoes," as the case might be, together with the designs showing red ripe tomatoes, borne on the labels, were false and misleading, in that the said statements and designs represented that the article consisted solely of tomatoes, and for the further reason that the said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted solely of tomatoes, whereas it did not but did consist in part of added water. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, tomatoes.

On October 7, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

W. M. JARDINE, *Secretary of Agriculture.*

14798. Misbranding of Aspironal. U. S. v. 58¼ Dozen Bottles of Aspironal. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 15721 to 15725, incl. S. Nos. E-3673 to E-3676, incl.)

On December 7, 1921, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 58¼ dozen bottles of Aspironal, in various lots at Charlotte, Greensboro, and Winston-Salem, N. C., respectively, alleging that the article had been shipped by the Aspironal Laboratories, Atlanta, Ga., between the dates of August 13, 1920, and October 20, 1921, and that it had been transported from the State of Georgia into the State of North Carolina, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it contained sodium salicylate, camphor, menthol, extracts of plant drugs including cascara sagrada and belladonna, alcohol, water, and a small quantity of sugar.

It was alleged in substance in the libel that the article was misbranded, in that the label on the bottle was false and fraudulent, in that it claimed curative and therapeutic effects following the use of the said article as a remedy for coughs, colds, influenza, La Grippe, headache, toothache, earache, stomach ache, neuralgia, sciatica, and rheumatism, whereas the article contained no ingredient or combination thereof capable of producing the effects claimed.

On October 11, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14799. Adulteration of canned salmon. U. S. v. 67 Cases and 102 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21376. I. S. Nos. 10842-x, 10843-x. S. No. W-2042.)

On or about November 15, 1926, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 169 cases of canned salmon, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Alaska Salmon Co., from Nushagak, Alaska, on or about August 24, 1926, and transported from the Territory of Alaska into the State of California, and charging adulteration in violation of the food

and drugs act. The article was labeled in part: (Can) "Rocky Ford Brand Pink Salmon Fresh Alaska Pink Salmon Packed By The Alaska Salmon Co. Office San Francisco, Cal."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On November 29, 1926, the Alaska Salmon Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be made to conform with the law under the supervision of and to the satisfaction of this department.

W. M. JARDINE, *Secretary of Agriculture.*

14800. Adulteration and misbranding of butter. U. S. v. 5 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17629. I. S. No. 2279-v. S. No. E-4435.)

On July 10, 1923, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 tubs of butter, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Louisiana Butter Factory, Louisiana, Mo., alleging that the article had been shipped from Louisiana, Mo., June 30, 1923, and transported from the State of Missouri into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "From La. Butter Fcty. Louisiana, Mo."

Adulteration of the article was alleged in the libel for the reason that a product deficient in butterfat and containing excessive moisture had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was labeled with a false and misleading statement so as to deceive and mislead the purchaser, and for the further reason that it was an imitation of or offered for sale under the distinctive name of another article.

On September 11, 1923, Theodore L. Hoef, trading as the Louisiana Butter Factory, Louisiana, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, conditioned in part that it not be sold or otherwise disposed of contrary to law, and if it be reworked or relabeled that it be done under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*